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May 9, 2022

**Via ECF**

Hon. Margo K. Brodie, U.S.D.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza E  
Brooklyn, New York 11201

RE: *State Farm Mutual Automobile Insurance Company v. Metro Pain Specialists P.C., et al.*  
Docket No.: 1:21-cv-05523 (MKB)(PK)

Dear Judge Brodie:

This firm represents Defendants Amro Mahmoud Barakat, P.T. and Barakat PT, P.C. (“Barakat Defendants”), and Defendants Alpeshkumar Manughia Patel, P.T. and A.M. Patel Physical Therapy P.C. (“Patel Defendants”) in the above matter. Please accept this letter in lieu of a formal submission opposing Plaintiffs State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company’s (“Plaintiffs”) Motion for Preliminary Injunction and Stay (the “Motion”). The Motion seeks to stay current and future arbitrations, state court litigations, and any other collections of benefits for treatment and care rendered to Plaintiffs’ insureds.

Plaintiffs filed an Amended Complaint on December 14, 2021, and on December 23, 2021, Plaintiffs filed the Motion. The Motion was fully briefed on or about January 24, 2022.<sup>1</sup>

On February 3, 2022, this firm entered an appearance on behalf of the Barakat Defendants. On February 24, 2022, the Barakat Defendants answered the Amended Complaint. On March 3, 2022, this firm entered an appearance on behalf of the Patel Defendants and moved to vacate the default that had been entered against the Patel Defendants. After the default was vacated, the Patel Defendants answered the

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<sup>1</sup> From on or about January 4, 2022 through on or about January 17, 2022, oppositions were submitted by the following co-Defendants: Reuven Alon, Columbus Imaging Center LLC, Hackensack Specialty ASC LLC, Integrated Specialty ASC LLC, Medaid Radiology LLC, Yan Moshe (ECF Dkt. No. 93); Metro Pain Specialists P.C., Leonid Shapiro, M.D., Tri-Borough NY Medical Practice P.C. (ECF Dkt. No. 94); Citimedical I, PLLC, Regina Moshe, M.D. (ECF Dkt. No. 103, adopting the arguments set forth in ECF Dkt. No. 93); and Raouf Akl, P.T., Mohamed Mahmoud Elmandouh, P.T., Floral Park Physical Therapy, P.C., Handy Physical Therapy P.C., Mohamed Sayed Ahmed Hassan, P.T., Mohamed Elsayed Khallaf, P.T., Nile Rehab Physical Therapy, P.C., Sherwin Catugda Paller, P.T., Physical Therapy of New York P.C., Primavera Physical Therapy, P.C., Protection Physical Therapy P.C., Mahmoud Ezz Eldeen Shalaby, P.T. (ECF Dkt. No. 104).

Amended Complaint on March 17, 2022. The Motion therefore was fully briefed before the Barakat Defendants and Patel Defendants filed their respective answers. As a result, the Barakat Defendants and the Patel Defendants respectfully request leave to oppose the Motion and join the oppositions to the Motion that were filed by the other defendants in this matter.

The oppositions filed to date, in sum, argue that the Motion should be denied because: i) Plaintiffs seek monetary damages, and, therefore, irreparable harm does not exist; ii) under the Federal Arbitration Act and/or Anti-injunction Act, the Court does not have the authority to issue the broad injunction sought by Plaintiffs; and iii) in the alternative, if the Court were to grant Plaintiffs' Motion, the injunction should be narrowly tailored and require Plaintiffs to post sufficient bond. The Barakat Defendants and Patel Defendants adopt these legal arguments and join the opposition briefs filed by co-Defendants (ECF Dkt. Nos. 93, 94, 103, 104).

We thank the Court for its time and attention to this matter.

Respectfully submitted,

s/Damian P. Conforti  
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